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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,519	01/04/2001	Noboru Shibuya	275738US6	4153
22850 7590 08/20/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HENNING, MATTHEW T	
			ART UNIT 2131	PAPER NUMBER
			NOTIFICATION DATE 08/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

# Office Action Summary

Application No.	Applicant(s)	
09/754,519	SHIBUYA ET AL.	
Examiner	Art Unit	
Matthew T. Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1 This action is in response to the communication filed on 6/13/2007.

2 **DETAILED ACTION**

3 ***Continued Examination Under 37 CFR 1.114***

4 A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
6 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
7 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
8 37 CFR 1.114. Applicant's submission filed on 5/17/2007 has been entered.

9 ***Response to Arguments***

10 Applicant's arguments with respect to claims 12-18 have been considered but are moot in  
11 view of the new ground(s) of rejection.

12 The examiner notes that although the claim language recites "a decoding mechanism  
13 configured to decode data" it does not require that any data is decoded. Limitations reciting  
14 something that is configured to perform a task do not require the task to be performed.

15 Claims 12-18 have been examined and Claim 1-11 have been cancelled.

16 All objections and rejections not set forth below have been withdrawn.

17  
18 ***Claim Rejections - 35 USC § 103***

19 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
20 obviousness rejections set forth in this Office action:

21 *A patent may not be obtained though the invention is not identically disclosed or*  
22 *described as set forth in section 102 of this title, if the differences between the subject*  
23 *matter sought to be patented and the prior art are such that the subject matter as a*  
24 *whole would have been obvious at the time the invention was made to a person having*

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1 *ordinary skill in the art to which said subject matter pertains. Patentability shall not be*  
2 *negated by the manner in which the invention was made.*  
3

4 Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi  
5 et al. (U.S. Patent Number 6,859,535) hereinafter referred to as Tate, and further in view of Chan  
6 et al. (US Patent Number 6,226,237) hereinafter referred to as Chan.

7 Regarding claim 12, Tate disclosed a general-purpose computer having a central  
8 processing unit which can decode data stored in an internal storage mechanism as instructed by a  
9 program stored in said internal storage mechanism (See Tate Col. 8 Lines 31-51), comprising: a  
10 loading mechanism, which is integrally arranged on a case of said general-purpose computer, for  
11 detachably accommodating an external storage card (See Tate Fig. 2 Elements 501 and 300); a  
12 decoding mechanism configured to decode data read from said external storage card (See Tate  
13 Col. 8 Lines 31-51 and Fig. 6 Element 460); a reproduction mechanism configured to reproduce  
14 decoded data decoded by said decoding mechanism (See Col. 8 Lines 31-51); and said loading  
15 mechanism is configured to read said decoded data based on commands from said central  
16 processing unit when said general-purpose computer is in an active state (See Tate Col. 52  
17 Paragraph 1), but failed to disclose a power controller that supplies power to said general-  
18 purpose computer, wherein said power controller supplies power to said decoding mechanism  
19 and said reproduction mechanism even if power of said central processing unit is turned off, and  
20 said loading mechanism is configured to read said decoded data without control of a central  
21 processing unit when said general-purpose computer is in an inactive state.

22 Chan teaches that when computers reproduce audio from an external device, much of the  
23 power consumed by the computer is in peripherals not actually being used (See Chan Col. 1),

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1 and further teaches that in such situations, unused portions of the computer, including the CPU,  
2 can be powered off (un-energized), and when the CPU is energized the CPU will control the  
3 audio playback commands, but when the CPU is not energized, an audio sub-system should  
4 remain energized to control the playback of the audio without use of the CPU (See Chan Col. 8  
5 Paragraphs 2-3), and further teaches that the audio sub-system should have a track number  
6 display and an Icon LCD which the audio subsystem uses to indicate operation (See Chan Col. 6  
7 Lines 52-58).

8 It would have been obvious to the ordinary person skilled in the art at the time of  
9 invention to employ the teachings of Chan to the music playing system of Tate in order to shut  
10 off the power to the idle personal computer while reading the data from the external medium by  
11 the content player subsystem, and having a display configured to display operating  
12 characteristics of the audio device when the computer is idle. This would have been obvious  
13 because the ordinary person skilled in the art would have been motivated to reduce the power  
14 consumed by the system.

15 Regarding claim 13, Tate and Chan disclosed a cross-authentication mechanism  
16 configured to cross-authenticate said external storage card through said loading mechanism (See  
17 Tate Col. 11 Lines 3-20); and a control mechanism for supplying copyrighted data read from said  
18 external storage card to said reproducing mechanism upon successful cross-authentication by  
19 said cross- authentication mechanism (See Col. 8 Lines 44-51), wherein said power controller  
20 supplies power to said cross-authentication mechanism and said control mechanism even if  
21 power of said central processing unit is turned off (See the rejection of claim 12 above).

Regarding claim 15, Tate and Chan disclosed that in an inactive state in which no electric power is supplied to said general-purpose computer, an external storage card control mechanism reads copyrighted data from said external storage card and supplies said copyrighted data to a portable music playing device (See Tate Col. 8 Lines 44-51 and the rejection of claim 12 above).

Regarding claim 17, Tate and Chan disclosed that a function equivalent to a portable music playing device is realized by executing, by a controller of said general-purpose computer, a program stored in said internal storage mechanism of said general-purpose computer (See Tate Col. 1 Lines 29-37 and Col. 8 Lines 31-51 and col. 52 Paragraph 1).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

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1           If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
2 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the  
3 organization where this application or proceeding is assigned is 571-273-8300.

4           Information regarding the status of an application may be obtained from the Patent  
5 Application Information Retrieval (PAIR) system. Status information for published applications  
6 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
7 applications is available through Private PAIR only. For more information about the PAIR  
8 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
9 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
10 like assistance from a USPTO Customer Service Representative or access to the automated  
11 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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17 /Matthew Henning/  
18 Assistant Examiner  
19 Art Unit 2131  
20 8/14/2007  
21

CHRISTOPHER REVAI  
PRIMARY EXAMINER

